



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

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Third District

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Fifth District

March 10, 2014

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

SACRAMENTO UPDATE

Executive Summary

This memorandum contains a report on the following:

- **Pursuit of County Position on a State Budget Item.** The Governor's FY 2014-15 Proposed Budget includes \$500 million in statewide jail construction funds to supplement previous construction funding the State has invested over the last seven years. Therefore, unless otherwise directed by the Board, consistent with the Board's five-signature letter of December 18, 2013 to the Governor and Legislature requesting an increase to the statewide allocation for AB 109 funding to provide more adequate resources for counties to make the critical investments in operations, systems integration and jail facilities improvements, **the Sacramento advocates will support the Governor's proposal for \$500 million in jail construction funding and will advocate that the allocation methodology be based on an assessment of counties' jail capacity needs and the relative impact of the AB 109 Program.**

"To Enrich Lives Through Effective And Caring Service"

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Pursuit of County Position on a State Budget Item

As reported on January 10, 2014, the Governor's FY 2014-15 Proposed Budget includes \$500 million in statewide jail construction funds to supplement the \$1.7 billion in jail construction funding the State has invested over the last seven years. In 2007, AB 900 was enacted to allocate \$1.2 billion in State issued lease-revenue bond financing to increase county jail capacity to alleviate crowding. In 2012, the Legislature augmented the funding through the enactment of SB 1022 which allocated \$500 million in lease-revenue bond financing for the acquisition, design, and construction of adult local criminal justice facilities including non-traditional custody beds such as reentry and treatment facilities.

In his budget plan, the Governor acknowledges the ongoing impact that the 2011 Public Safety Realignment and AB 109 have had on local county jails, many of which are operating under imposed population caps and are aging facilities. The proposed budget indicates that the \$500 million would be directed to support construction of SB 1022-type projects. The newly proposed funding would require a 10 percent county match similar to SB 1022. However, the Governor's proposal includes the provision that applications would need to supply documentation that the county utilizes pre-trial risk assessments to inform release decisions. The Board of State and Community Corrections (BSCC) would be responsible for determining how the funds would be allocated to counties.

As a result of AB 109, the Los Angeles County jail system now houses approximately 7,000 inmates who would have been previously housed in State prison. These inmates represent approximately 30 percent of the statewide realigned population. In addition, the County is now tasked with housing more serious inmates for longer periods of time, creating major population management issues and forcing transformation of jail mental and medical health services to long-term and chronic care management. Due to AB 109, Los Angeles County is now operating the population equivalent of two to three State prisons without the necessary infrastructure to do so.

These challenges are further exacerbated by the allocation methodology of existing jail construction funding which fails to weigh the actual need for jail capacity expansion and the impact of AB 109 on county jails. Both AB 900 and SB 1022 were allocated based on a competitive grant process that simply categorized counties into small, medium or large and allowed them to compete against each other for the funding. This process failed to address the actual needs for county jail construction on a county-by-county basis or to reflect the relative impact AB 109 has had on county jail systems across the State. Los Angeles County was limited to receiving \$100 million in AB 900 funding and

was not included among the SB 1022 conditional grant awards. **It is important to note that while Los Angeles County has received approximately 30 percent of the AB 109 population, the County has only been awarded five percent of available jail construction funding to date.**

In its analysis of the Governor's proposal for additional jail construction funding, the Legislative Analyst's Office (LAO) indicates that the State has not conducted a comprehensive survey or analysis of county jail needs across the State. The LAO notes that since implementation of 2011 Public Safety Realignment, the statewide jail population has increased by 11,000 inmates and, as of June 2013, 56 jail facilities in 25 counties had average daily populations that exceeded their rated capacities. Currently, all of the fully operating jails in Los Angeles County are above the BSCC rated capacity. There are over 4,600 inmates in excess of the combined BSCC capacity in the Los Angeles County jails.

According to the LAO, 65 jail facilities in 45 counties had an average daily population below rated capacity. As a result of the apparent diversity in county jail construction needs and the impact of AB 109, the LAO recommends that the Legislature direct the Administration to more appropriately assess the need prior to allocating additional jail construction funding.

This office and the Sheriff's Department support the Governor's proposal to provide additional funding to counties for jail construction. However, we have significant concerns over the allocation methodology used by the BSCC to award the previous rounds of jail construction funding as well as any provisions linking funding awards to the use of a pre-trial risk assessment tool. The proportionality of the resources for jail construction and the methodology with which it is allocated must reflect the infrastructure and capacity needs and the relative impact AB 109 has had on county jail systems.

Over the past several months, the Chief Executive Officer, the Sacramento advocates and Sheriff's officials have been meeting with the Governor's Administration and members of the Legislature to educate them on the challenges AB 109 has created within the Los Angeles County jail system and the limitations of the allocation methodology for existing jail construction funding. These advocacy efforts are essential to create understanding in Sacramento of the current and future needs of the County to house and supervise the AB 109 population and run an effective jail system.

Therefore, unless otherwise directed by the Board, consistent with the Board's five-signature letter of December 18, 2013 to the Governor and Legislature requesting an increase to the statewide allocation for AB 109 funding to provide more adequate

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resources for counties to make the critical investments in operations, systems integration and jail facilities improvements, **the Sacramento advocates will support the Governor's proposal for \$500 million in jail construction funding and will advocate that the allocation methodology be based on an assessment of counties' jail capacity needs and the relative impact of the AB 109 Program.**

We will continue to keep you advised.

WTF:RA
MR:KA:ma

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants